

On November 1, 2017, the Magistrate Judge entered a Memorandum and Recommendation (Doc. 91) recommending that HSBC's Motion for Summary Judgment (Doc. 87) be granted and Plaintiffs' Motion to Continue to Conduct Discovery (Doc. 88) be denied.¹ On November 20, 2017, Plaintiffs filed untimely objections to the Memorandum and Recommendation. Plaintiffs argue that the Magistrate Judge "failed to consider summary judgment evidence" and "misapplied the standard of review that she cited." Doc. 92 at 2-3. Further, Plaintiffs continue to assert that HSBC lacks standing because it has failed to show that it owns the note at issue. *Id.* at 4.

Standard of Review

Rulings by a magistrate judge on dispositive matters, such as the motion for summary judgment at issue here, "are mere recommendations subject to *de novo* review when properly challenged by the losing party." *Davidson v. Georgia-Pac., L.L.C.*, 819 F.3d 758, 762 (5th Cir. 2016) (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3)). Despite the fact that the objections were not filed in the timely manner, the Court has performed a *de novo* review of the portions of the Memorandum and Recommendation objected to by Plaintiffs.

Analysis

After a careful *de novo* review, the Court concurs with HSBC and the United States Magistrate Judge, who has correctly cited and applied the law to the facts here that are supported by the documentary summary judgment evidence. The evidence reflects an unbroken chain of title from the original lender to HSBC; HSBC's lien is valid as a matter of law and HSBC has established its right to foreclose. *See* Doc. 86 at 28. Accordingly, the Court finds that the Memorandum and Recommendation should be adopted.

¹ Please refer to the Memorandum and Recommendation (Doc. 91) for a detailed discussion of the facts and procedural history of this case.

Conclusion

The Court hereby

ADOPTS the Magistrate Judge's Memorandum and Recommendation (Doc. 91) as its own, OVERRULES Plaintiffs' Objections (Doc. 92), and ORDERS that Counter-Plaintiff HSBC's Motion for Summary Judgment (Doc. 87) is GRANTED. Plaintiffs' Motion (Doc. 88) is DENIED.

SIGNED at Houston, Texas, this 13th day of December, 2017.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE